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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF OREGON
9

10 SARAH GREENE personally and as
next friend for S.G., a minor, and
11 K.G., a minor,

Case No. 05-CV-6047-AA

12 Plaintiffs,

13 vs.

**PLAINTIFFS' CONCISE STATEMENT
OF MATERIAL FACTS IN SUPPORT
OF OPPOSITION TO DEFENDANTS'
MOTIONS FOR SUMMARY
JUDGMENT**

14 BOB CAMRETA, DESCHUTES COUNTY,
15 DESCHUTES COUNTY DEPUTY
SHERIFF, JAMES ALFORD, JANE DOE,
16 BOB SMIT, THE KIDS CENTER, THE
BEND LAPINE SCHOOL DISTRICT, and
17 TEACHER'S AIDE MRS. FRIESEN,

18 Defendants.
19

20 1. On February 10, 2003, a man named Nimrod Greene was drinking at his
21 employer's home, which was a very common activity for Mr. Greene and his employer. On this
22 particular day, after Mr. Greene left, the employer's son complained that Mr. Greene had tied his
23 shoelaces together and he was supposed to keep it a secret, at which time the employer asked his
24 son if he had been touched by Mr. Greene. He indicated he had.

25 2. On February 24, 2003, Defendant Camreta, a state child protective worker,
26 accompanied by Defendant Deputy Alford, a Deputy Sheriff with Deschutes County Sheriff's
27 Office, went to the elementary school attended by Nimrod Greene's 9 year-old daughter, Plaintiff
28 S.G. Based on the request of Defendants Camreta and Alford, Defendant Friesen went to
Plaintiff S.G.'s classroom and removed her. Defendant Friesen took Plaintiff S.G. to a private

1 room where she was interrogated by Defendants Camreta and Alford for up to two hours.

2 Defendants Camreta and Alford then claimed that Plaintiff S.G. disclosed she was sexually
3 abused by her father, Nimrod Greene. Plaintiff S.G.'s affidavit, paragraphs 5, 6, 7, 8 and 9.

4 3. On March 10, 2003, Defendant Camreta filed an affidavit requesting a protective
5 order to remove Plaintiffs S.G. and K.G. from their mother's care, custody and control. He
6 alleged danger to the children because they no longer wanted to talk to him without an attorney.
7 He also claimed that Plaintiff Sarah Greene would not agree to keep the children away from their
8 father. Plaintiff Sarah Greene claims that she specifically told Defendant Camreta she would
9 keep the children away from their father. The court issued the order and the children were
10 removed.

11 4. On March 20, 2003, and March 31, 2003, Plaintiffs S.G. and K.G. were subjected
12 to intrusive physical examinations at the KIDS Center. Plaintiff Sarah Greene was present at the
13 KIDS Center to be supportive to her children. Defendant Camreta ordered the mother, Plaintiff
14 Sarah Greene, to leave the premises.

15 5. Plaintiffs' claim that these acts are violations of their rights to be free from
16 unreasonable seizures under the Fourth amendment, and procedural and substantive rights to no
17 unreasonable interference in the family relationship.

18 6. On February 24, 2003, Plaintiff S.G. was removed from her schoolroom by
19 Defendant Friesen, a school employee, for non-school purposes. Plaintiff S.G.'s affidavit,
20 paragraphs 4 and 5.

21 7. Defendant Friesen did not have a court order, probable cause with exigent
22 circumstances, parental permission or reasonable suspicion of violation of a school rule or danger
23 to the school to justify Plaintiff S.G.'s removal from the classroom. Plaintiffs' counsel's
24 affidavit, Exhibit "1", pages 2 and 3.

25 8. The school took Plaintiff S.G. from her classroom and placed her into a custodial
26 situation with Defendants Camreta and Alford. At no time did the school make an effort to
27 determine if the child consented, if her parents consented, or there were any circumstances
28 justifying subjecting the child to a custodial interrogation. Defendant Bend-LaPine School

1 District's Concise Statement of Fact, Plaintiff S.G.'s affidavit, paragraph 15, and Plaintiff Sarah
2 Greene's affidavit, paragraph 7.

3 9. Plaintiff S.G. was incapable, because of her age and maturity level, of determining
4 on her own whether she wished to participate in the interrogation. Plaintiff Sarah Greene's
5 affidavit, paragraph 2.

6 10. On March 7, 2003, Plaintiff Sarah Greene informed Defendant Camreta that if and
7 when her husband was released from jail, he would have alternative housing and she would
8 enforce the no contact order between the children and her husband. She also informed Defendant
9 Camreta that at all times she would comply with all steps necessary to assure the safety of her
10 children and that she would cooperate in the evaluation of the children at the KIDS Center.
11 Plaintiff Sarah Greene's affidavit, paragraphs 9 and 10.

12 11. The letter sent by Mr. Vandermay to DHS did not deny DHS access to either the
13 children or information about the children's safety. Asking DHS to go through the family
14 attorney to obtain the information was not unreasonable in the circumstances. Exhibit 6,
15 Defendant Camreta's affidavit.

16 12. When Defendant Camreta filed his affidavit with the court seeking a protective
17 order to take custody of Plaintiffs S.G. and K.G., he knew that there was no need for the children
18 to be removed from the home because of Plaintiff Sarah Greene's agreement to comply with the
19 Safety Plan. Plaintiff Sarah Greene's affidavit, pages 9 and 10.

20 13. At the time the protective order was issued, Defendant Camreta knew that there
21 was not probable cause for believing the children were in danger. Plaintiff Sarah Greene's
22 affidavit, paragraphs 10 and 11.

23 14. After the Shelter Care hearing on March 12, 2003, the Court had ordered the
24 children returned to the mother as soon as a Safety Plan was entered. Plaintiff Sarah Greene's
25 affidavit, paragraphs 11 and 12. Defendant Camreta knew that Plaintiff Sarah Greene had already
26 agreed to the Safety Plan, yet he refused to return the children.

27 15. When Plaintiffs S.G. and K.G. were taken to the KIDS Center (Plaintiff Sarah
28 Greene's affidavit) for an intrusive physical examination, Defendant Camreta deliberately and

1 intentionally ordered Plaintiff Sarah Greene to leave the premises. Defendant Camreta knew that
2 by ordering Plaintiff Sarah Greene to leave the premises, he would be denying Plaintiffs any form
3 of familial support during what could be a very traumatic event. Plaintiff Sarah Greene's
4 affidavit, paragraphs 14 and 15.

5 16. Defendant Camreta knew that the Judge had not ordered that contact between
6 Plaintiff Sarah Greene and her children, Plaintiffs S.G. and K.G. be supervised and that the Judge
7 expected the children to be returned to mother soon. Defendant Camreta's affidavit, Exhibit "9".
8 Defendant Camreta knew that Plaintiff Sarah Greene was not a danger to her children. Plaintiff
9 Sarah Greene's affidavit, paragraph 12.

10 DATED this 11th day of January, 2006.

11 Respectfully submitted,

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